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**DOCKET NO. D-2006-038-2**

**DELAWARE RIVER BASIN COMMISSION**

**Discharge to Special Protection Waters**

**River Road Utilities, Inc.**

**Tuscarora Wastewater Treatment Plant**

**Upper Mount Bethel Township, Northampton County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by F.X. Browne, Inc. on behalf of River Road Utilities, Inc. on September 27, 2011 (Application), for renewal of a wastewater treatment plant (WWTP) approval. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0043915 for the project discharge was issued by the Pennsylvania Department of Environmental Protection (PADEP) on February 1, 2008.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 12, 2012.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing 0.066 million gallons per day (mgd) Tuscarora WWTP.
- 2. Location.** The project WWTP is located on Fawn Road in Upper Mount Bethel Township, Northampton County, Pennsylvania. The WWTP will continue to discharge treated domestic wastewater to the Delaware River Water Quality Zone 1D at River Mile 204, which is located in the Lower Delaware Special Protection Water (SPW) area and has been classified as Significant Resource Waters (SRW).

The WWTP outfall is located in the Delaware River Watershed as follows:

| OUTFALL NO. | LATITUDE (N) | LONGITUDE (W) |
|-------------|--------------|---------------|
| 001         | 40 ° 52' 47" | 75 ° 03' 41"  |

**3. Area Served.** The docket holder's WWTP serves the Tuscarora Inn and Conference Center and Tuscarora Village in Upper Mount Bethel Township, Northampton County, Pennsylvania.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

**4. Physical Features.**

**a. Design Criteria.** The docket holder's 0.066 mgd WWTP treats domestic sanitary wastewater through extended aeration treatment system with tertiary filtration. The WWTP is designed to meet DRBC's BDT effluent requirements.

**b. Facilities.** The existing facilities consist of influent pumping, bar screen, flow splitter box, two (2) variable level extended aeration tanks, two clarifier tanks, two (2) denitrification filters, ultra-violet light (UV) disinfection system, and a post-aeration tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The Tuscarora WWTP has a generator available for emergency power supply. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and is required to provide a remote alarm system that continuously monitors plant operations. The docket holder's WWTP features a programmable logic controller (PLC) and auto dialer system programmed to telephone a list of contacts including the plant operator, in case of high water level, failure, or emergency conditions at the WWTP.

The docket holder's new wastewater treatment facility does not discharge to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume. (SPW)

The docket holder's existing wastewater treatment facility has not prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 6 months of approval of this docket (See DECISION Condition II.o.) (SPW).

The entire Tuscarora WWTP is located within the 100-year flood zone; however, one of the facilities are located within the floodway. The docket holder has submitted plans indicating that the existing WWTP facilities are flood-proofed up to the flood hazard protection elevation (100-year flood elevation plus one foot). This is accomplished by raising the tops of the tanks above the flood hazard protection elevation.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a State-approved facility

c. **Water Withdrawals.** The potable water supply in the project service area is provided by a community well that serves the Tuscarora Village residences and two transient non-community wells that serve the Tuscarora Inn and Conference Center.

d. **NPDES Permit / DRBC Docket.** The PADEP issued NPDES Permit No. PA0043915 on February 1, 2008, which includes final effluent limitations for the project discharge of 0.066 mgd to surface waters classified by the PADEP as WWF (Warm Water Fishery). The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit.**

| <b>OUTFALL 001 (WWTP effluent)</b>                |                                       |                                 |
|---|---------------------------------------|---------------------------------|
| <b>PARAMETER</b>                                  | <b>LIMIT</b>                          | <b>MONITORING</b>               |
| pH (Standard Units)                               | 6 to 9 at all times                   | As required in the NPDES permit |
| Total Suspended Solids                            | 10 mg/l                               | As required in the NPDES permit |
| Dissolved Oxygen                                  | 6.0 mg/l (minimum at all times)       | As required in the NPDES permit |
| CBOD (5-Day at 20° C)                             | 10 mg/l (85% minimum removal)         | As required in the NPDES permit |
| Ammonia-Nitrogen (5-1 to 10-31)<br>(11-1 to 4-30) | 1.5 mg/l<br>4.5 mg/l                  | As required in the NPDES permit |
| Total Dissolved Solids*                           | 1,000 mg/l                            | As required in the NPDES permit |
| Fecal Coliform (year-round)                       | 50 colonies per 100 ml as a geo. avg. | As required in the NPDES permit |
| Phosphorus  | 2 mg/l                                | As required in the NPDES permit |

\* See Condition II.s

**EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit.**

| <b>OUTFALL 001 (Discharge to Paradise Creek)</b> |                    |                   |
|--|--------------------|-------------------|
| <b>PARAMETER</b>                                 | <b>LIMIT</b>       | <b>MONITORING</b> |
| Nitrate-Nitrogen                                 | Monitor and Report | Monthly           |
| Total Nitrogen                                   | Monitor and Report | Monthly           |

## **B. FINDINGS**

The docket holder submitted an Application to renew the approval of the existing 0.066 mgd Tuscarora WWTP on September 27, 2011. This docket (D-2006-038-2) renews the DRBC approval.

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC Water Quality Regulations (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC

as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Lower SPW)

On July 16, 2008, the DRBC approved amendments to its WQR that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Lower SPW)

The docket holder's WWTP discharges to the drainage area to the Lower Delaware River SPW area.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the applicant's service area which is also located within the drainage area of Special Protection Waters. The service area of the docket holder is located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities and/or service area (i.e., there are not any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition II.n. has been included in the Decision section of this docket.

Near the project site, the Delaware River has an estimated seven-day low flow with a recurrence interval of ten years of 737.4 mgd (1,141 cfs). This estimate is based on the flow data measured at the USGS Delaware River at Belvidere NJ Gage No. 01446500 and is proportionally adjusted for the basin drainage area at the point of taking. The ratio of this low flow to the average design wastewater discharge (0.066 mgd / 0.102 cfs) from the Tuscarora WWTP is 11,173 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is the City of Easton's Water Treatment Plant on the Delaware River, approximately 20 miles downstream from the docket holder's WWTP discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Water Quality Regulations of the DRBC.

### C. DECISION

I. Effective on the approval date for Docket No. D-2006-038-2 below, Docket No. D-2006-038-1 is terminated and replaced by Docket No. D-2006-038-2.

II. The project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

o. The docket holder shall prepare an emergency management plan (EMP) within 6 months of docket approval. The docket holder shall submit the EMP and certify in writing to the Commission that it has complied with this condition by March 12, 2013 (SPW projects only).

p. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and

enforceable against the docket holder pending the grant or denial of the application for docket approval.

q. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

r. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

s. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

t. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

u. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED:**

**EXPIRATION DATE: February 28, 2018**